

Preventing Sexual Violence in Higher Education Act 2023 Annual Report

Augustana College

Completed by Laura Schnack

Associate Dean of Students & Title IX Deputy Coordinator

639 38th Street

Rock Island, IL 61201

lauraschnack@augustana.edu

(309) 794-7533

PART A

Provide one copy of the most recent version of each of the following documents:

- Augustana College’s comprehensive policy (*see Attachment A*); and
- Augustana College’s concise, written notification of a survivor’s rights and options under its comprehensive policy (*see Attachment B*).

PART B

- I. Campus Training, Education and Awareness
 - a. Student Primary Prevention Programming

Program Name	Type/Description	Date(s)	Location(s)	Target Audience	Number of Attendees
Bystander Intervention	Presentation	1/6/23	On Campus	Women’s Basketball Team	14
Bystander Intervention	Presentation	1/6/23	On Campus	Women’s Wrestling Team	6
Bystander Intervention	Presentation	1/6/23	On Campus	Men’s Wrestling Team	32
Stalking Awareness Table	Awareness Demonstration	1/17/23	On Campus	All students and employees	10
Bystander Intervention	Presentation	1/19/23	On Campus	Men’s and Women’s Track Team	25
Bystander Intervention	Presentation	1/19/23	On Campus	Men’s Tennis Team	15
Bystander Intervention	Presentation	1/26/23	On Campus	Phi Omega Phi Fraternity	20
Bystander Intervention	Presentation	2/1/23	On Campus	Women’s Lacrosse Team	7
Bystander Intervention	Presentation	2/2/23	On Campus	Men’s Lacrosse Team	25

Healthy Relationships Bingo Night	Engagement Even	2/8/23	On Campus	Greek Life	130
Table in the Brew	Awareness Demonstration	2/14/23	On Campus	All Students and Employees	18
Bystander Intervention	Presentation	2/15/23	On Campus	Women's Bowling Team	7
Bystander Intervention	Presentation	3/6/23	On Campus	Women's Soccer	10
International Women's Day Event	Awareness Demonstration	3/8/23	On Campus	All Students and Employees	108
Alcohol Awareness	Presentation	3/16/23	On Campus	Chi Alpha Pi Sorority	16
Bingo After Dark	Engagement Event	3/17/23	On Campus	All Students	70
Title IX Process at Augustana College	Presentation	4/3/23	On Campus	Greek Council	16
The Clothesline Project	Awareness Demonstration	4/5/23	On Campus	All students and Employees	12
Table in the Brew with Public Safety	Engagement Event	4/14/23	On Campus	All Students and Employees	15
Sexual Assault Awareness with Multicultural Programming Board	Engagement Event	4/15/23	On Campus	All Students and Employees	10
Alcohol Awareness Workshop	Presentation	4/18/23	On Campus	Greek Life Members	132
Panel Discussion with International Students	Presentation	4/20/23	On Campus	International Students	5
Diversity Celebration	Engagement Event	4/28/23	On Campus	All Students and Employees	300
Take Back the Night Rally	Demonstration	4/30/23	On Campus	Students and Employees	75
Speech Language Pathology Orientation Title IX Presentation	Presentation	6/16/23	On Campus	Students	24
Bystander Intervention	Presentation	8/21/23	On Campus	Football Team	130
Bystander Intervention	Presentation	8/21/23	On Campus	Men's Water Polo Team	28
Bystander Intervention	Presentation	8/22/23	On Campus	Community Advisors	43
Bystander Intervention	Presentation	8/22/23	On Campus	Women's Volleyball Team	33

Bystander Intervention	Presentation	8/23/23	On Campus	Men's Golf Team	24
Bystander Intervention	Presentation	8/24/23	On Campus	Women's Golf Team	19
Bystander Intervention	Presentation	8/24/23	On Campus	Global Ambassadors	7
Bystander Intervention	Presentation	8/29/23	On Campus	Women's Cross Country Team	14
International Student Resource Fair	Awareness Event	8/31/23	On Campus	International Students	100
Activities Fair	Awareness Event	9/2/23	On Campus	First Year Students	650
Coffee with Cops	Engagement Event	9/15/23	On Campus	All students and Employees	100
Bystander Intervention	Presentation	9/12/23	On Campus	Women's Soccer Team	30
Bystander Intervention	Presentation	9/25/23	On Campus	First Year Students	19
Peer Educator Training	Training	9/25/23	On Campus	Peer Educators	9
Bystander Intervention	Presentation	9/25/23	On Campus	First Year Students	19
Discussion on Gender Based Violence with International Students	Presentation	9/26/23	On Campus	International Students	5
Peer Educator Training	Training	9/27/23	On Campus	Peer Educators	9
Peer Educator Training	Training	9/28/23	On Campus	Peer Educators	4
Bystander Intervention	Presentation	10/4/23	On Campus	Men's Basketball Team	25
Bystander Intervention	Presentation	10/4/23	On Campus	Zeta Phi Kappa Sorority	12
The Clothesline Project	Demonstration	10/4/23	On Campus	All Students	9
Bystander Intervention	Presentation	10/4/23	On Campus	Delta Chi Theta	48
Bystander Intervention	Presentation	10/9/24	On Campus	Men's Soccer Team	20
Bystander Intervention	Presentation	10/10/23	On Campus	FY100 – First Year Students	20
Domestic Violence Awareness Table	Awareness Demonstration	10/10/23	On Campus – Brew by the Slough	All Students and Employees	30
Bystander Intervention	Presentation	10/10/23	On Campus	Phi Omega Phi Fraternity	40

Bystander Intervention	Presentation	10/11/23	On Campus	Chi Omega Gamma Sorority	57
Bystander Intervention	Presentation	10/11/23	On Campus	Phi Rho Sorority	38
Bystander Intervention	Presentation	10/13/23	On Campus	Women's Water Polo	23
Healthy Masculinity: The Role of the Male Ally	Presentation	10/17/23	On Campus	Phi Omega Phi Fraternity	30
Bystander Intervention	Presentation	10/18/23	On Campus	Men's and Women's Track and Field	47
Bystander Intervention	Presentation	10/19/23	On Campus	Chi Epsilon	14
Set the Expectation Football Game	Awareness Demonstration	10/21/23	On Campus	Football Fans	25
Stalking Awareness and Education	Presentation	10/24/23	On Campus	Community Advisors and Residential Life Staff	42
Bystander Intervention	Presentation	10/25/23	On Campus	Delta Omega Nu Fraternity	36
Discussion with Latinos Unidos	Discussion	10/25/23	On Campus	Latinos Unidos Student Organization	15
Domestic Violence Awareness/Healthy Relationships Discussion	Discussion	10/28/23	On Campus	Phi Mu Alpha Fraternity	12
Trunk or Treat with Student Government	Outreach	10/29/23	On Campus	Student Government and Students	100
Domestic Violence Awareness Discussion	Presentation	10/31/23	On Campus	Sociology Students	20
Bystander Intervention	Presentation	11/2/23	On Campus	Men's Lacrosse Team	25
Black Student Union Meeting	Outreach	11/7/23	On Campus	Black Student Union	14
Child Sexual Abuse Presentation for Student Teachers	Presentation	11/8/23	On Campus	Student Teachers	30
Bystander Intervention	Presentation	11/8/23	On Campus	Women's Lacrosse Team	11
Bystander Intervention	Presentation	11/9/23	On Campus	Chi Alpha Pi Sorority	28
International Men's Week: Machismo and Marinisma	Presentation	11/13/23	On Campus	Students and Employees	3

International Men's Week: Oversexualization & Fetishization of Black Men	Presentation	11/14/23	On Campus	All Students and Employees	7
International Men's Week: Female Genital Mutilation	Presentation	11/15/23	On Campus	All Students and Employees	4
International Men's Week: Challenging Myths, Breaking the Stigma, and Providing Solutions	Presentation	11/16/23	On Campus	All Students and Employees	4
Bystander Intervention	Presentation	11/20/23	On Campus	Women's Swimming and Diving Team	24
Bystander Intervention	Presentation	11/20/23	On Campus	Men's Swimming and Diving Team	18
Consent and Boundaries	Presentation	11/27/23	On Campus	Greek Council	43
Bystander Intervention	Presentation	11/28/23	On Campus	Bowling Team	6
Bystander Intervention	Presentation	11/29/23	On Campus	Baseball Team	55
Bystander Intervention	Presentation	11/30/23	On Campus	Omicron Sigma Omicron Fraternity	9
Bystander Intervention	Presentation	11/30/23	On Campus	Men's Volleyball	27
Take Back the Night Chapter Table	Awareness Engagement Event	11/30/23	On Campus	All Students and Employees	40

b. Employee Training

Program Name	Type/Description	Date(s)	Location(s)	Target Audience	Number of Attendees
Sexual Misconduct Training for Advisory Committee on Harassment & Discrimination	Presentation	1/5/23	On Campus	Employees – Members of Committee	11
Bystander Intervention with Coaches	Presentation	1/5/23	On Campus	Athletics Coaches	7

Time with IX: the “Cycle of Under-Support” and How to Protect Pregnant and Parenting Students	Webinar	1/20/23	Virtual	Title IX Team	1
Title IX and 504 Considerations	In person training	1/23/23	Hilton, Lake Buena Vista, FL	Title IX Coordinator	1
Title IX Briefing for Trustees Audit and Risk Committee	Webinar	1/23/23	Virtual	Members of Audit & Risk Committee	20
Title IX and Athletics	In person training	1/24/23	Hilton, Lake Buena Vista, FL	Title IX Coordinator	1
Annual Training for Institutional Title IX Teams	Husch Blackwell	2/22/23	Virtual	Title IX Team	2
Title IX Briefing for Cabinet	In Person	2/22/23	On Campus	Members of extended Cabinet	10
Time with IX: 10 pitfalls of investigations	Webinar	3/10/23	Virtual	Title IX Team	6
Title IX Lunch & Learn	Presentation	4/13/24	On Campus	Faculty & Staff with Title IX Team	25
Title IX & Athletics NPRM	Webinar	4/14/23	Virtual	Title IX Coordinator	2
Time with IX: Intersection of Clery and Title IX	Webinar	4/21/23	Virtual	Title IX Team	3
Pizza & Policy: Title IX Team Policy Training	Presentation	4/26/23	On Campus	Title IX Team & Investigators	8
Pregnancy Discrimination	Webinar	5/10/23	Virtual	Title IX Coordinator	1
Sex, Gender, Identity, & Expression: Law, History & Practice	Webinar	5/12/23	Virtual	Title IX Coordinator	1
Title IX & BIT Emergency Removals	Webinar	6/2/23	Virtual	Title IX Coordinator	1
Bystander Intervention	Presentation	12/5/23	On Campus	Athletic Coaches	9
Bystander Intervention	Presentation	12/8/23	On campus	Athletic Coaches	20

II. Reports

Identify the total number of reports made to the following groups of individuals in the 2016 calendar year. Augustana College is aware that some students reported an incident more than once. This is reflected in the table below.

	Reports to the Title IX coordinator/responsible employees	Reports to confidential and anonymous resources
Sexual Violence	5	7 (1 also reported to Title IX)
Domestic Violence	1	0
Dating Violence	1	1
Stalking	1	0

a. Responses to Reports to the Title IX Coordinator or Responsible Employees

Of the total number of reports or disclosures made to the Title IX coordinator or responsible employees at the Augustana College, the number of time the following occurred:

	Survivor requested not to proceed with the complaint resolution procedure	Augustana College investigated allegation	Augustana College referred allegation to local or State law enforcement	Augustana College resolved allegation through complaint resolution procedure
Sexual Violence	5	0	0	0
Domestic Violence	1	0	0	0
Dating Violence	0	1	0	0
Stalking	1	0	0	0

b. Complaint Resolution Procedure Outcomes

Of the total number of reports reviewed through the complaint resolution procedure, identify the number of students who received the following outcomes. A description of the other types of discipline students received for violating the comprehensive policy is provided in Part C of this report.

	Found not responsible for violation of comprehensive policy	Dismissed /expelled	Suspended	Otherwise disciplined
Sexual Violence	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	1
Stalking	0	0	0	0

ATTACHMENT A: Most Recent Version of Comprehensive Policy

Policy Against Discrimination & Harassment

It is the policy and commitment of Augustana College to provide an environment free from discrimination and harassment based upon an individual's actual or perceived race, color, religion, national origin, service in the uniformed service (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, disability, genetic information, gender identity, gender expression, sexual orientation, order of protection status, work authorization status, or any other classification protected by law in matters of admissions, employment, housing, services, or in the educational programs and/or activities operated by the College.

Discrimination occurs when an individual is excluded from participation in, is denied the benefits of, or is subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity of the College, based on any of the characteristics listed above.

Harassment, whether verbal, physical, emotional, financial, or visual, that is based on any of the characteristics listed above is a form of discrimination. This includes harassing conduct that impacts job benefits, or interferes unreasonably with an individual's academic or work performance, or creates what a reasonable person would perceive to be an intimidating, hostile, or offensive environment. Prohibited sex discrimination includes sexual harassment and sexual violence. Conduct that meets the scope and definition of the Policy Against Sexual Misconduct and Title IX Sexual Harassment will be handled under the grievance procedures of that Policy.

Some examples of what may be considered discrimination or harassment, depending on the facts and circumstances, include the following:

- **Verbal behaviors:** derogatory comments regarding a person's race, color, gender, sexual orientation, religion, ancestry, ethnic heritage, mental or physical disability, age, appearance or other classification protected by law; threats of physical harm or distribution of written or graphic material having such effects. Derogatory gestures or the display of signs or pictures that may be offensive to others may also be examples of harassment.
- **Physical behaviors:** physical contact including touching, hitting, pushing or other aggressive contact.
- **Sexual behaviors:** unwelcome verbal or physical conduct of a sexual nature such as sexual advances, demands for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

Conduct may be considered harassment if:

- It is unwelcome; and
- Submission to or rejection of such conduct is used as the basis of an academic or employment decision or is either an explicit or implicit term of employment or admission to any college program or college-related activity; or
- Such conduct is sufficiently serious (i.e., severe or pervasive, and/or persistent) and subjectively and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

It is expected that each and every member of the Augustana community will assist and support the College in its prohibition of discrimination and harassment. All employees of Augustana College are required to promptly report suspected violations of this Policy, even if the individual who was or is the victim has not filed a complaint. The report can be made to a supervisor, the Director of Human Resources, the Dean of Students Office, or in the case of sex discrimination, the Chief Title IX Coordinator or Deputy Title IX Coordinators.

SCOPE OF POLICY

This Policy applies to all employees, including faculty, staff and administrators, of the College, as well as all students, guests and visitors of the Augustana community.

REPORTING PROCEDURES

Discriminatory behaviors can occur intentionally or unintentionally. A member of the Augustana community who feels discriminated against or harassed by an employee of the College, a student, guest or visitor or any other third-party (such as a supplier or vendor) should make this concern known by:

- If possible, telling the person who is engaging in the conduct or communication that their actions are offensive to you and that those actions must stop. **Individuals who are not comfortable communicating directly with the person should skip this step.**
- Inform your manager, or any member of the Office of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or a member of the Residential Life staff of the offensive behavior. This can be done by meeting in person or in writing.
- Follow up a verbal complaint with a written report of the complaint. It is helpful for allegations of improper behavior to be put in writing to assure a clear understanding of the behaviors and the issues raised. The written report should contain as much specific information as possible.
- Please see the College's Policy Against Sexual Misconduct and Title IX Sexual Harassment for additional options in reporting sex discrimination, including sexual and interpersonal misconduct.

All complaints of discrimination or harassment will be kept as confidential as possible. The College will promptly and thoroughly investigate alleged behavior that would constitute a violation of this Policy Against Discrimination and Harassment and will take steps necessary to stop behavior that violates this Policy. The investigation and grievance procedures may vary depending on the type of discrimination reported, the nature of the allegations reported and where they occurred, as well as the classification of the individual accused of a violation (i.e, student, employee or faculty member). If you feel that your complaint has not received appropriate attention, you should discuss your concern with the Director of Human Resources, Chief Title IX Coordinator or Deputy Title IX Coordinators, the Dean of Students Office, or the General Counsel of the College.

RETALIATION PROHIBITED

It is central to the values of Augustana College that any individual who believes they may have been the target of prohibited discrimination or harassment feel free to report their concerns without fear of retaliation or retribution. The College strictly prohibits retaliation against an employee or any other individual who opposes or reports in good faith any practices prohibited under this Policy, including bringing a complaint of discrimination or harassment, assisting someone with such a complaint, attempting to stop such discrimination or harassment, or participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes they have been subjected to or affected by retaliatory conduct for reporting a suspected violation of this Policy or participating in an investigation should report the concern immediately to the Director of Human Resources, the General Counsel, the Dean of Students Office or the Chief Title IX Coordinator or Deputy Coordinators.

REPORTING OPTIONS OUTSIDE OF THE COLLEGE

The College has established this Policy to establish a process for the prompt and effective resolution of concerns of students and employees. Individuals have the right, however, to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) to file a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after IDHR has completed its investigation of a complaint.

Contact Information:

- Illinois Department of Human Rights (IDHR)
Chicago: 312-814-6200 or 800-662-3942
Chicago TTY: 866-740-3953
- Illinois Human Rights Commission (IHRC)
Chicago: 312-814-6269
Chicago TTY: 312-814-4760
- United States Equal Employment Opportunity Commission (EEOC)
Chicago: 800-669-4000
Chicago TTY: 800-869-8001

An employee or student who has been physically harassed, threatened or assaulted may also have grounds for criminal charges, such as assault or battery.

FALSE AND FRIVOLOUS COMPLAINTS

False and frivolous charges refer to cases where the accuser is using a claim of prohibited harassment or discrimination to accomplish some other end other than stopping prohibited harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for someone accused of prohibited harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

Augustana College Policy Against Sex Discrimination

INTRODUCTION

Augustana College is committed to providing an educational and employment environment that is free from all forms of sex discrimination.

To ensure compliance with federal, state, and local sex discrimination laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, Augustana College has developed this Policy Against Sex Discrimination (the Policy), Sex Discrimination Investigation and Resolution Procedures (Investigation and Resolution Procedures), and a Pregnancy and Related Conditions Policy (prohibiting discrimination due to pregnancy and related conditions, which is form of sex discrimination, and may be accessed at <https://www.augustana.edu/student-life/TitleIX>.

Together they outline the College's policies and procedures to provide for prompt, fair, and impartial resolution of allegations of sex discrimination, in all of its forms. These policies take into account the College's status as a private education institution of higher education and its unique mission and culture.

NOTICE OF NONDISCRIMINATION

Augustana College is committed to complying with all federal, state, and local laws, regulations, and ordinances prohibiting sex discrimination in private post-secondary education institutions.

Augustana College prohibits discrimination on the basis of sex in its programs and activities. As defined by Title IX, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Augustana College does not discriminate in its admissions practices, employment practices, or in its educational programs or activities on the basis of sex, except as permitted by law. Augustana College also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process. Sex-based harassment, sexual assault, dating and domestic violence, stalking, and sexual exploitation are forms of sex discrimination which are prohibited under this Policy.

Augustana College will promptly and effectively address any such discrimination of which it has notice or knowledge of, as outlined in this Policy, using the resolution process described in the Investigation and Resolution Procedures.

SCOPE AND JURISDICTION

This Policy applies to all faculty, staff, employees, students, and other individuals participating in or attempting to participate in Augustana College's program or activities. Guests and visitors of the College, including third parties such as contractors, consultants, and vendors doing business or providing services to the College, are also subject to this Policy when they are on campus or otherwise participating in College sponsored activities.

The College's ability to implement this Policy and the Investigation and Resolution Procedures against individuals who are not members of the College community is limited as detailed further in this Policy.

This Policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of sex discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Chief Title IX Coordinator and at <https://www.augustana.edu/student-life/TitleIX>.

This Policy applies to sex discrimination that occurs in the United States and within the College's education programs and activities, which is defined as locations, events, or circumstances in which the College exercises substantial control over both the individual accused of violating the Policy (the Respondent) and the context in which the conduct occurred, and/or misconduct occurring within any building owned or controlled by a College-recognized student organization.

This Policy may also pertain to instances in which the conduct occurred outside of the campus if the College determines that the off-campus conduct is within the jurisdiction of its disciplinary authority or affects a substantial College interest, including access to the educational program or activity, the safety and security of community members, legal compliance, and fulfilling its educational mission.

For disciplinary action to be issued under this Policy and the Investigation and Resolution Procedures, the Respondent must be a College faculty member, student, or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the College community, the Chief Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The College can also assist in contacting local or institutional law enforcement if the individual would like to file a police report alleging criminal conduct.

When a party is participating in a dual enrollment program, the College will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the parties.

When the Respondent is enrolled in or employed by another institution, the Chief Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Chief Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sex discrimination or sex-based harassment in an externship, study abroad program, or other environment external to Augustana College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

ONLINE HARASSMENT & MISCONDUCT

Augustana College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College's education program and activities, or when they involve the use of the College networks, technology, or equipment.

PROHIBITED CONDUCT

Sex Discrimination

Except as permitted by Title IX, prohibited discrimination on the basis of sex (where sex includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity) is defined as actions that cause an individual to be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Augustana College.

Sex Discrimination can take two primary forms:

- **Disparate Treatment Discrimination** is any differential treatment of a person or persons that is based on a person's actual or perceived sex and that:
 - Excludes a person from participation in;
 - Denies a person the benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in an Augustana College program or activity.
- **Disparate Impact Discrimination** occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on the basis of sex that:
 - Excludes a person from participation in;
 - Denies a person the benefits of; or
 - Otherwise adversely affects a term or condition of a person's participation in an Augustana College program or activity.

Sex-Based Harassment

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.

Under this Policy, prohibited Sex-based Harassment includes the following conduct:

- **Quid Pro Quo Harassment** occurs when an employee, agent, or other person authorized by Augustana College to provide an aid, benefit, or service under the College's education program or activity, explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- **Hostile Environment Harassment** is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Augustana College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the individual's ability to access the College's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within the College's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the College's education program or activity.

Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes:

- **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempted rape falls under this prohibition.
- **Fondling**—The touching of the private body parts (buttocks, groin, breasts) of another for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent is 17 in Illinois.

Dating Violence

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Violence on the basis of sex committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Illinois, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of Illinois.

Stalking

Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Sexual Exploitation

A person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing). Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings

Retaliation

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of behavior or conduct prohibited under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations.

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Adverse action does not include perceived or petty slights, or trivial annoyances.

It is not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

CONSENT, FORCE, AND INCAPACITATION

As used in this Policy, the following definitions and understandings apply:

Consent

Agreement to engage in sexual activity that is freely given, clear permission by word or action. A person may withdraw consent at any time. A person cannot consent if they are unable to understand the nature of the activity; if they are incapacitated due to alcohol, drugs or cognitive disability; asleep or unconscious; or underage.

- A person's lack of verbal or physical resistance or submission from threat/force does not constitute consent.
- A person's manner of dress does not constitute consent.
- A person's consent to past sexual activity does not constitute consent to future activity.
- A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent is not implied by a current dating relationship or past sexual relations.
- Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions.

Going beyond the boundaries of consent is prohibited, as the behavior then becomes non-consensual. For example, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence or sexual assault.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Force

The use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me. I'll do what you want.>").

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

Incapacitation

A state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

It is a possible defense to a policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

OTHER DEFINITIONS

The following are definitions of terms used in this Policy and in the Investigation and Resolution Procedures:

Complainant

Any individual who has reported being or is alleged to be impacted by sex discrimination prohibited by this policy, and who was participating in a College program or activity (or attempting to participate) at the time of the alleged misconduct.

Prohibited Conduct

Sex discrimination, as defined and prohibited by this Policy.

Respondent

An individual, or group of individuals such as a student organization, reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this Policy.

Third Party Reporter/Witness

An individual who reports conduct that could constitute Prohibited Conduct under this Policy occurring between or directed towards individuals other than him/her/themselves.

Education Programs and Activities

Refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residential life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Prohibited Conduct occurs, including any building owned or controlled by a student organization that is officially recognized by the College.

STANDARD OF PROOF

Augustana College uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the College will decide whether it is more likely than not, based upon the available information at the time of the decision, that the Respondent violated the Policy.

REPORTING SEX DISCRIMINATION

Contact the Chief Title IX Coordinator or Deputy Title IX Coordinators with any questions about this Policy or to file a complaint of sex discrimination, including sexual harassment, sexual misconduct, or other interpersonal misconduct. The College's Chief Title IX Coordinator is Jennie Hemingway, who can be reached at 309-794-7313 or at titleIX@augustana.edu. While Dr. Hemingway is the Chief Title IX Coordinator, all of the following individuals serve as Deputy Title IX Coordinators for the College and may be contacted with questions or receive complaints.

Chief Title IX Coordinator: Jennie Hemingway, Ph.D., Director of Access Compliance 309-794-7313. As Chief Title IX Coordinator, Jennie Hemingway is responsible for enforcement of Title IX at the College. She is responsible for outreach and education regarding the College's prohibition of sex discrimination, the process for addressing concerns of sex discrimination, and the forms of sex discrimination.

Deputy Title IX Coordinator: Mindy Zumdom, Director of Human Resources, 309-794-7452. As Deputy Title IX Coordinator, Mindy Zumdom and the Human Resources staff will handle reports of staff and administrative employee violations of the College's policy and will be responsible for employee training regarding the College's prohibition of sex discrimination and the process for addressing concerns of sex discrimination.

Deputy Title IX Coordinator: Chris Beyer, Director of Residential Life, 309-794-2686. As a Deputy Title IX Coordinator, Chris Beyer is primarily responsible for organizing student training required under Title IX.

Deputy Title IX Coordinator: Laura Schnack, Associate Dean of Students, 309-794-7533. As a Deputy Title IX Coordinator, Laura Schnack coordinates with the Chief Title IX Coordinator when a student has reported or is accused of violating the College's policy.

Deputy Title IX Coordinator: Greg Domski, PhD, Associate Dean of Academic Strategic Priorities, 309-794-3482. Greg Domski coordinates with the Chief Title IX Coordinator when a faculty member has reported or is accused of violating the College's policy.

Deputy Title IX Coordinator: Chad Gunnerson, Director of Track & Field/Cross Country, 608-658-6538. As a Deputy Title IX Coordinator, Chad Gunnerson coordinates with the Chief Title IX Coordinator regarding athletic compliance with Title IX and NCAA policies.

In addition to the Title IX Coordinator/Deputy Coordinators, the Chief of Police & Public Safety, Tom Phillis, 309-794-7711 can receive a complaint of a violation of this Policy. Chief Phillis will also assist with reporting incidents to the Rock Island Police Department and oversees the investigation of student complaints under this Policy.

Any person may report sex discrimination. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Chief Title IX Coordinator/Deputy Coordinators receiving the report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

Campus Conduct Hotline

The College has a campus conduct hotline (1-866-943-5787) for individuals to report matters **anonymously**. This means that it is not necessary to disclose names or any other identifying information. Reports received through this hotline relating to alleged violations of this Policy will be forwarded to the Chief Title IX Coordinator who will respond to the complaint. The College's ability to respond effectively, or at all, may be

limited if the reporter wishes to remain anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to the Chief Title IX Coordinator/Deputy Coordinators, as described below.

Electronic Reporting

Reports of a potential violation of this Policy may also be filed electronically at: www.augustana.edu/titleIX. An electronic report may be made anonymously. As noted, the College's ability to respond effectively may be limited if the reporter remains anonymous. This reporting mechanism is not a substitute for the obligation of College employees to report any alleged Policy violations to a Title IX Coordinator, as described under the reporting obligations section of this policy.

VICTIM AND THIRD PARTY/BYSTANDER REPORTING

Anyone who feels that s/he/they have been the victim of conduct prohibited by this Policy is encouraged to bring it to the attention of the Chief Title IX Coordinator/Deputy Coordinators or to the Office of Public Safety and Police for assistance. Bystanders and third parties who have information they believe could constitute a violation of this Policy are also encouraged to inform a member of the Chief Title IX Coordinator/Deputy Coordinators, utilize the Campus Conduct Hotline or the College's electronic reporting option outlined above. Reports will be treated as confidential as possible. This means that the Title IX Team will share information gathered through reports and any investigation on a need to know basis only.

The Chief Title IX Coordinator/Deputy Coordinators are responsible for ensuring the prompt and impartial review, investigation and resolution of all reports of alleged violations of the Policy, along with the provision of interim remedies and measures to support all individuals involved and to ensure that they are treated with dignity and care.

MANDATED REPORTING

With the exception of the confidential resources identified below, all College employees who receive a report of or otherwise become aware of sex discrimination, sexual harassment, sexual misconduct or other interpersonal misconduct are obligated to promptly inform a Title IX Coordinator (either the Chief Title IX Coordinator or one of the Deputy Title IX Coordinators) or the Office of Public Safety and Police, all known details of the incident, unless they are expressly prohibited by law from disclosing such information, and are referred to as "Mandated Reporters." With the exception of students employed in Residential Life and Peer Educators for the Office of Sexual Assault Prevention Education, Augustana College students who are also employed by the College are not Mandated Reporters.

Failure of a Mandated Reporter, as defined above, to report an incident of sex discrimination of which they become aware is a violation of this Policy and can be subject to disciplinary action for failure to comply/failure to report.

A Mandated Reporter who is themselves a target of sex discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

The Chief Title IX Coordinator/Deputy Coordinators are not obligated to respond directly to any identified Complainant in a report of sex-based harassment disclosed at a public/campus event awareness event that takes place on-campus or in a College-sponsored online platform *unless there is an imminent and serious threat to someone's health or safety*. **Mandated Reporters must report any information learned** at an event such as a health fair, Take Back the night, etc. **if they believe there is an imminent and serious threat to someone's health or safety**.

At Augustana, counselors in the Counseling Center and the Campus Pastor are not required to disclose the information obtained while serving in these roles as they have professional obligations to maintain the

confidentiality of their clients. These employees can also help individuals understand their options for proceeding with their complaint. More information about these and other confidential resources is provided below.

CONFIDENTIAL RESOURCES

There are two categories of Confidential Resources at Augustana College who are not required to report information about sex discrimination to the Title IX Coordinator:

1) **Confidential Employees.** Those with confidentiality bestowed by law or professional ethics, such as clergy and mental health counselors, when they are hired for and acting within the scope of their professional duties to which the privilege or confidentiality applies. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

2) **Campus Advocate.** Individual(s) the College has specifically designated as confidential for purposes of providing support and resources to student Complainants who are alleged victims of sexual assault. The Campus Advocate is an employee of Family Resources-Survivor Services of the Quad Cities.

Those designated by the College as Confidential Resources are not required to report actual or suspected sex discrimination, sex-based harassment, or retaliation in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Augustana College official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

Counseling Services 309-794-7357

Counselors at Counseling Services can provide emotional and medical support in a safe and confidential space. They are not required to disclose your identifying information as they have professional obligations to maintain the confidentiality of their clients. They can also help you think through your options for filing a formal report.

Campus Chaplain, Office of Campus Ministries, 309-794-7213

Campus Advocate

Through a partnership, the College has arranged for the availability of a confidential advocate employed by Family Resources – Survivor Services to provide support to survivors of sexual assault.

Confidential resources in the community

Family Resources -Survivor Services of the Quad Cities – 24 Hour Free Crisis Line 309-797-1777

<http://www.famres.org/services/survivor-services>

Family Resources- Survivor Services is a community based program that serves the needs of women, men, children and families whose lives have been affected by domestic or sexual violence, human trafficking, or other violent crimes.

Illinois Domestic Violence Help Line 1-877-863-6338

<http://www.dhs.state.il.us/page.aspx?item=30275>

National Sexual Assault Telephone Hotline: 800-656-HOPE (4673)

Rape, Abuse, and Incest National Network: <https://www.rainn.org>

OFF-CAMPUS REPORTING & OTHER REPORTING INFORMATION

The College encourages all individuals who feel they have been victims of Prohibited Conduct to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence. Seeking medical attention preserves the full range of options, including the options of working through the College's grievance procedures and/or filing criminal complaints.

Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17th Street, Rock Island, telephone 309-779-5000. Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient.

An individual has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College or to pursue both processes consecutively or concurrently.

Rock Island City Police: Emergency – Dial “911” Non-Emergency – (309) 732-2677

A Complainant also has the right not to pursue any criminal complaint. Unless deemed necessary by the Title IX team or requested by a Complainant, the College will not contact law enforcement outside of the College Office of Public Safety and Police. In addition to having the option of pursuing a criminal complaint, Complainants also have the option of exploring whether they might be entitled to an order of protection, no contact order, restraining order, or other similar orders issued by a criminal or civil court. For more information about such orders see <http://www.illinoisattorneygeneral.gov/women/victims.html>.

The Title IX team will assist individuals with transportation to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request and with accessing all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College's investigation, but the College will commence its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding.

Augustana's authority to sanction members of the College community applies only to the violation of College rules, policies and procedures. Legal action to pursue either civil or criminal proceedings may be initiated by contacting the police or the State's Attorney. Students who believe they are the victims of a crime as defined by federal and state laws are encouraged to report to law enforcement authorities as the legal system of the State of Illinois offers recourse through law enforcement officials and the courts. The College's Chief Title IX Coordinator and the Augustana College Office of Public Safety and Police are available to assist students with any reports they might wish to make to law enforcement authorities.

Concerns about the College's application of this Policy and compliance with Title IX of the Education Amendments of 1972 may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

PRESERVING EVIDENCE

Individuals are encouraged to do everything possible to preserve evidence by making certain that the crime scene is not disturbed and any physical evidence is preserved. Individuals who believe they are victims of sexual misconduct should avoid bathing, using the toilet, rinsing one's mouth or changing clothes, where possible. Clothing that was worn at the time of the incident should be placed in a paper bag, not a plastic one. Bedding should not be laundered or discarded. All forms of electronic communication that occurred before, during, or after the assault should be preserved.

Under Illinois law, forensic medical examinations (i.e., evidence collection) sought subsequent to instances of sexual violence are free of charge to the patient. Local medical assistance can be obtained at Unity Point Health- Trinity Rock Island Hospital, 2701 – 17th Street, Rock Island, telephone 309-779-5000.

It is also important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of investigations.

TIMING OF REPORT

The College encourages individuals to report as soon as practically possible, but there is no time limit on reporting. The College will undertake an investigation of past events made by individuals currently participating in, or attempting to participate in, the education program, but the College cannot typically impose disciplinary sanctions on an individual who is no longer a member of the Augustana community (e.g., a student who has graduated or an individual who is no longer in the employ of the College).

FALSE ALLEGATIONS & EVIDENCE

Making deliberately false and/or malicious accusations under this Policy is a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation. Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies.

EMERGENCY REMOVAL/INTERIM ACTIONS/LEAVES

The College can act to remove a student Respondent accused of sex discrimination, sex-based harassment, or retaliation from its education program or activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Behavioral Intervention Team in collaboration with the Chief Title IX Coordinator. Employees are subject to existing procedures for interim actions and leaves as outlined in the Employee Handbook.

FEDERAL TIMELY WARNING OBLIGATIONS

The College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the College community. The College will make every reasonable effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

RESPONSIBLE ACTION PROTOCOL/AMNESTY POLICY

Augustana College considers the health and safety of members of the Augustana community and its visitors to be a top priority. The College recognizes a student's concern for potential disciplinary action related to use or possession of alcohol, drugs, and/or other substances that may hinder their actions in response to an emergency or medical situation. To alleviate those concerns and ensure that students and their visitors receive prompt, appropriate care, the College has adopted the following Responsible Action Protocol:

1. Students are urged to contact emergency officials by calling Augustana College Police/Public Safety at (309)794-7711 or 911 to report the incident, to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so and to meet with appropriate College Officials after the incident and cooperate fully with any College investigation.
2. Students who seek emergency or medical assistance, including, but not limited to, a mental health crisis, medical emergency, or sexual assault, for themselves or others will not face punitive disciplinary action for personal use of alcohol, drugs, or other substances. This is extended to individuals who are directly involved in the incident. Student(s) will be required to complete any educational program or activity assigned by the appropriate Hearing Officer assigned to the incident. This protocol does not provide amnesty for disciplinary action for other potential policy violations (e.g. damage and/or destruction of property, failure to comply, physical violence, sexual misconduct, etc.).
3. If campus officials (e.g., Residential Life staff, Augustana Public Safety/Police) intervene beforehand, individuals, or those present, experiencing an alcohol, drug, or other substance-related medical emergency will not receive amnesty.
4. The Responsible Action Protocol is not intended to shield or protect students that repeatedly violate College Policy. In cases where repeated policy violations occur, the College reserves the right to take disciplinary action on a case-by-case basis regardless of how the incident was reported. Additionally, the College reserves the right to initiate the Student Conduct Process in cases in which the alleged violation(s) is/are egregious.
5. This protocol only provides amnesty from violations of College Policy. It does not grant amnesty for criminal, civil, or other legal consequences for violations of federal, state, or local laws or ordinances.
6. The Associate Dean of Students or designee will determine eligibility for amnesty under the Responsible Action Protocol during the initial review or investigation.

In summary, a student who is under the influence of alcohol or drugs at the time of a mental health crisis, medical emergency, or sexual assault, should not be reluctant to seek assistance for that reason. When a reporting party, responding Student, third-party reporter, or Witness to an incident of a mental health crisis, medical emergency, or sexual assault, participates in a good faith report, Augustana College will not pursue punitive disciplinary violations related to the impermissible drug or alcohol use against any of the involved student(s).

APPLICABLE RESOLUTION PROCEDURES

Individuals who file a report of an alleged violation under this Policy will be informed in writing of the applicable investigation and resolution procedures; this may be updated as additional facts or information becomes available during the Complaint.

DELEGATION OF DUTIES UNDER THIS POLICY

The College shall respond to all allegations of Prohibited Conduct, as defined in this Policy. Obligations created by this Policy and the Investigation and Resolution Procedures may be delegated by the College, including to external professionals.

CONFLICTS OF INTEREST OR BIAS

Any individual carrying out any part of this Policy and the Investigation and Resolution Procedures shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Chief Title IX Coordinator have a conflict of interest, the Chief Title IX Coordinator shall immediately notify a Deputy Title IX Coordinator who will either take, or reassign, the role of the Chief Title IX Coordinator for purposes of carrying out the matter at issue.

POLICY REVIEW & REVISION

This Policy will be reviewed and updated regularly by the Chief Title IX Coordinator. The Chief Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy. Investigation and Resolution Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Augustana College website.

Policy updated: August 14, 2024

Sex Discrimination Investigation & Resolution Procedures

Augustana College has established a Policy Against Sex Discrimination ("Policy") that articulates the College's behavioral standards and descriptions of prohibited conduct. These Investigation and Resolution Procedures (the "Procedures") apply to all suspected or alleged acts of sex discrimination including sex-based harassment.

These Procedures outline the College's approach to addressing reports of suspected Policy violations by members of the College community. The Procedures vary based on the nature of the allegations, including where the alleged conduct occurred, and the classification of the individual who is accused of violating the Policy. The Procedures take into account the College's status as a private institution of higher education and its unique mission and culture. Because the College's approach to resolving alleged or suspected violations of the Policy is grounded in its mission and purpose as an educational institution, its approach to resolving alleged or suspected violations of the Policy is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of the Policy in a manner that is consistent with its mission and the various anti-discrimination laws that apply to its programs.

The College is committed to promptly, fairly, and impartially resolving alleged or suspected violations of the Policy. The College will treat complainants and respondents equitably. The College's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the Complainant is willing to participate in an investigation, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances.

Where the College determines, in its discretion, that these Procedures will govern for suspected or alleged acts of Sex Discrimination, the procedures herein will be used in place of any other Augustana

College policies or procedures used to address other alleged misconduct. In addition, any sanctions or other corrective actions imposed against Augustana College community member who violates the Policy shall be imposed pursuant to these Procedures, rather than pursuant to any other set of policies and procedures governing conduct, unless the College determines in its discretion that any other policy governing the conduct should be used to resolve a particular matter.

The College may at any time, upon finding of good cause, modify the Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

CONFIDENTIALITY/PRIVACY

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any Complainant, the identity of any individual who has been reported to be a perpetrator, Respondent, and the identity of any witness. The College will also maintain the confidentiality of its various records generated in response to reports and complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records.

Notwithstanding the foregoing, the College may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this Policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a report or complaint will be given access to investigation and adjudication materials in the circumstances specified in these Procedures. In all interviews and meetings held in connection with these Procedures, the College will protect the privacy of the participating parties and witnesses as required by FERPA and other applicable law.

While the College will maintain confidentiality specified in these Procedures, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in the Policy/Procedures.

Note that certain types of Sexual Harassment are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

RESPONSE TO A REPORT

The following process will be used following the receipt of a report of conduct prohibited by the Policy :

Preliminary Assessment of Alleged Misconduct

For every report of an alleged or suspected violation of the Policy, the Chief Title IX Coordinator or designee will review the circumstances of the reported conduct to determine the following:

- Whether the College has jurisdiction over the parties involved;
- Which procedure is applicable to the parties and the conduct being reported; and
- The actions within the College's control necessary to eliminate, prevent, and address the reported conduct.

If the Respondent is not a member of the College community or is no longer affiliated with the College at the time of the report or at the time an investigation or Resolution Process is initiated (including if the Respondent has graduated or otherwise left the College), the College may be unable to take disciplinary action or conduct an investigation.

If the Chief Title IX Coordinator determines that the conduct could constitute Sex Discrimination, as defined in the Policy, the Chief Title IX Coordinator will proceed with the steps set forth in these Procedures.

Upon receiving a report or complaint alleging a violation of the Policy from a student, the Chief Title IX Coordinator or their designee will provide Complainants who are students (Student Complainants) with a written statement of their rights and options under the Policy and these Procedures. The Student Complainant will also be informed of the availability of a Campus Advocate. Campus Advocates are available to Student Complainants to provide confidential emergency and on-going assistance to alleged victims of sexual assault upon request. The Campus Advocate is an employee of Family Resources-Survivor Services of the Quad Cities. The Chief Title IX Coordinator or their designee will meet with all Complainants, student and non-student, and discuss fully the options afforded to them, including the availability of supportive measures, the option to proceed with a complaint, the rights and responsibilities of both parties when a complaint is made (including the right of students to be accompanied during any College grievance proceeding and any related meeting by an Advisor of their choice whose participation will be limited as outlined in this Policy), the process of identifying potential witnesses, the prohibition against retaliation, and the need to preserve any relevant evidence or documentation. Any time after this meeting, a Complainant may choose to file a complaint, which initiates the College's disciplinary process. Supportive measures may be requested regardless of whether the individual chooses to proceed with a complaint.

When a Complainant requests that the College not use their name as part of any Resolution Process, or that the College not take any further action, the College will generally try to honor those requests. However, there are certain instances in which the College has a broader obligation to the community and may need to act against the wishes of the Complainant. In such circumstances, the Chief Title IX Coordinator will notify the Complainant in writing of the need to take action. The factors the Chief Title IX Coordinator will consider when determining whether to act against the wishes of a Complainant include:

- The Complainant's reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of Prohibited Conduct would occur if a complaint is not initiated;
- Whether there have been other complaints about the same alleged respondent;
- Whether the respondent has a known history of arrests or records from a prior school or prior employment indicating a history of violence;
- Whether the report involves multiple perpetrators;
- Whether the sex discrimination was perpetrated with a weapon;
- The relationship between the respondent and the complainant (i.e., faculty/student or employee/employee); Whether the College possesses other means to obtain relevant evidence;
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating these Procedures; and
- Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity

If the College elects to proceed with an investigation, it will consult with the Complainant and provide information about the chosen course of action, including any supportive measures that will be taken to protect the Complainant and ensure the safety of the College community.

After the Complainant files a complaint that reports a potential violation of the Policy or when the College determines it is appropriate to proceed with a complaint, the College will investigate the allegations as outlined below. The initiation of a complaint is not a determination of a Policy violation and the Respondent will not be deemed by the College to have violated the Policy unless and until (a) the Respondent accepts responsibility for the alleged Policy violation, or (b) the College's process for determining a Policy violation are followed, and a finding has been made in accordance with these Procedures.

All parties will be informed that the College prohibits any retaliation against parties involved in reporting or witnessing allegations of violations of the Policy and that retaliation is grounds for disciplinary action.

Initial Contact

Following receipt of a report alleging a potential violation of the Policy, the Chief Title IX Coordinator or designee will contact the Complainant to meet with the Chief Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

1. An invitation to meet to offer assistance and explain their rights, resources, and options under this Policy.
2. Access to the Policy and these Procedures.
3. Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may also be provided.
4. Information regarding the availability of Supportive Measures, regardless of whether a complaint is filed and/or any Resolution Process is initiated.
5. The options for resolution (no action, prevention, agreement, investigation) and how to initiate such Resolution Processes.
6. The right to notify law enforcement as well as the right not to notify law enforcement.
7. The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Campus Safety or local law enforcement in preserving evidence.
8. The right to an Advisor of choice, if applicable, during College proceedings under this Policy including the initial meeting with the Chief Title IX Coordinator.
9. A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.

Supportive Measures

Upon receipt of a report or complaint alleging a violation of the Policy, the Chief Title IX Coordinator or their designee will work with all parties involved in an alleged incident to offer and implement appropriate and reasonable supportive measures to the Parties. Supportive measures are non-disciplinary, non-punitive individualized services offered as deemed appropriate by the College and as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the College's education program or activity, and they include measures designed to protect the safety of all Parties.

The Chief Title IX Coordinator or designee promptly makes supportive measures available to the Parties upon receiving notice of a complaint. The Chief Title IX Coordinator or designee will work with a party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The College will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the College's ability to provide those supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible. The College will implement measures in a way that does not unreasonably burden any party.

Supportive measures may include, but are not limited to:

- Referral to counseling
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Implementing contact restrictions (no contact directives) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments

- No-Trespass directives
- Timely warnings
- Class schedule modifications
- Any other actions deemed appropriate by the Chief Title IX Coordinator or designee

Violations of no contact directive or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Chief Title IX Coordinator. An Appeal Officer will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The College will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The College typically renders decisions on supportive measures within seven (7) business days of receiving a request and will provide a written determination to the impacted party(ies) and the Chief Title IX Coordinator or designee.

Resources for Complainants and Respondents

Any student affected by sex discrimination will have access to support and counseling services offered through the College. Employees involved in a sex discrimination, including sex-based harassment, sexual misconduct, and other interpersonal misconduct including retaliation allegation also have access to support and counseling services offered through the College's Employee Assistance Program. More information on this program is available at <https://www.augustana.edu/about-us/offices/hr/benefits/eap>. Family Resources-Survivor Services of the Quad Cities provides assistance to victims of sexual violence and is available to all community members. The College encourages any individual who has questions or concerns to seek support from these resources. The Chief Title IX Coordinator is available to provide information about the College's Policy and procedures and to provide assistance. A list of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources available is located at the following link: <https://www.augustana.edu/TitleIX>

Accommodations

College programs and procedures must be accessible to all students. Students who have a documented disability have the right to reasonable accommodations that are necessary to make college policies accessible, including these investigation and resolution procedures. Students with disabilities may request accommodations by contacting the Director of Disability Services and filling out the "Request for Academic Accommodations" form on the link provided: <https://www.augustana.edu/student-life/residential-life/accommodations>. The Chief Title IX Coordinator or designee will work with the Director of Disability Services to provide reasonable accommodations that are necessary to make these Procedures accessible. Students who have or think they may have a disability are invited to contact the Director of Disability Services for a confidential discussion. For more information, please see the Office of Disability Services website <https://www.augustana.edu/student-life/residential-life/disability-services>.

DISMISSAL OF A COMPLAINT

Before dismissing a complaint, the College will make reasonable efforts to clarify the allegations with the Complainant. The College may dismiss a complaint if:

1. The College is unable to identify the Respondent after taking reasonable steps to do so.
2. The Respondent is not participating in the College's education programs or activities and/or is not employed by the College.
3. The Complainant voluntarily withdraws their complaint in writing and the Chief Title IX Coordinator declines to initiate a complaint.

4. The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the College determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under the Policy; or
5. The College determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under the Policy.

Upon dismissal, the College will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the College will notify the parties simultaneously, in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Chief Title IX Coordinator or designee will include that information in the notification.

The College will notify the Complainant that a dismissal may be appealed on the basis outlined in the Dismissal Appeals section below. If dismissal occurs after the Respondent has been notified of the allegations, then the College will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Dismissal Appeals section of these Procedures.

When a complaint is dismissed, the College will, at a minimum:

1. Offer supportive measures to the Complainant as appropriate.
2. If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
3. Take other prompt and effective steps, as appropriate, through the Chief Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

A Complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

Dismissal Appeals

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Chief Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Chief Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
- The Chief Title IX Coordinator or the Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

The appeal request should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Chief Title IX Coordinator will share the request with all other Parties and provide three (3) business days for other Parties to respond to the request. At the conclusion of the response period, the Chief Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties to the Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Chief Title IX Coordinator will deny the request, and the Parties, their Advisors will be notified in writing of the denial and the rationale.

Appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Chief Title IX Coordinator's discretion, and the Parties will be notified of any extension.

INTERIM/EMERGENCY REMOVAL OF A STUDENT

The College may remove a student accused of Sex Discrimination on an interim or emergency basis, upon receipt of report, a complaint, or at any time during the Resolution Process. Prior to an interim/emergency removal, the College's Behavioral Intervention Team will conduct an individualized risk assessment. The student may be removed if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies such action.

When an interim/emergency removal is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within two (2) business days of the notification. Upon receipt of a challenge, the Chief Title IX Coordinator will meet with the student (and their Advisor, as applicable and if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal will be deemed waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Chief Title IX Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information to the Chief Title IX Coordinator for review.

An interim/emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Chief Title Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting.

EMPLOYEE ADMINISTRATIVE LEAVE

The College retains the authority to place a Respondent who is employed by the College on administrative leave during a pending complaint process under the Policy and these Procedures, with or without pay, as appropriate. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

STUDENT WITHDRAWAL OR EMPLOYEE RESIGNATION WHILE MATTERS ARE PENDING

If a student or employee Respondent permanently withdraws or resigns from the College with unresolved allegations pending, the College will consider whether and how to proceed with the Resolution Process. The College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student Respondent who withdraws or leaves while the Resolution Process is pending may not return to the College without first resolving any pending matters. Such exclusion applies to all College educational activities and programs.

An employee Respondent who resigns with unresolved allegations pending is not eligible for rehire with the College. All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

COUNTER-COMPLAINTS

The College is obligated to ensure that the Resolution Process is not used for retaliatory purposes. Although the College permits the filing of counter-complaints, the Chief Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the appropriate Resolution Process described below. At the Chief Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial complaint.

REFERRALS FOR OTHER MISCONDUCT

The College has the discretion to refer complaints of misconduct not covered by this Policy for handling under any other applicable College policy or code. As part of any such referral for further handling, the College may use evidence already gathered through any process covered by this Policy.

CONSOLIDATION OF COMPLAINTS

The College may consolidate Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, the College may bifurcate the proceedings in accordance with the requirements of the individual policies.

The College also reserves the right to use this Policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this Policy in instances when the conduct is associated with an alleged issue of prohibited conduct under this Policy. The Chief Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Dean of Students and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Policy.

ADVISORS FOR STUDENTS

Student Complainants and Student Respondents may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings,

interviews, and hearings within the Resolution Process, including intake. A student party may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. More information regarding the responsibilities and expectations of an Advisor may be found in Appendix B.

The College cannot guarantee equal Advisory skills or experiences, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout the Resolution Process. Parties are expected to provide the Chief Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor. Subsequently, the Chief Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

OPTIONS FOR RESOLUTION

The College's Resolution Process consists of multiple ways to resolve a complaint or report of sex discrimination, as outlined in more detail below.

A. INFORMAL RESOLUTION

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Chief Title IX Coordinator at any time prior to a final determination, or the Chief Title IX Coordinator or designee may offer the option to the Parties, verbally or in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

Before initiation of an Informal Resolution process, the College will provide the Parties with a written notice that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the College's Resolution Process.
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Investigation and Resolution Procedures arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information the College will maintain, and whether and how it could disclose such information for use in its Investigation and Resolution Procedures

Any party participating in Informal Resolution can withdraw from the Informal Resolution process at any time prior to reaching an Informal Resolution agreement and initiate or resume the Resolution Process.

If an investigation is already underway, the Chief Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

The College offers the following types of Informal Resolution:

Supportive Resolution

The Chief Title IX Coordinator or designee will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the College's education program and activities. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. If the Respondent has received notice of an allegation, the Chief Title IX Coordinator or designee may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Chief Title IX Coordinator does not initiate a Complaint.

Educational Conversation

The Complainant(s) may request that the Chief Title IX Coordinator or designee address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. In light of this conversation, or the Respondent's decision not to attend, the Chief Title IX Coordinator or designee may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with Policy.

Agreement-Based Resolution

Agreement-Based Resolution is an alternative where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If the College offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Chief Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the College's education program or activity.

The Chief Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a Respondent violated this Policy. The process is described in more detail in Appendix C.

The Chief Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an alternate process.

B. ACCEPTANCE OF RESPONSIBILITY

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Chief Title IX Coordinator is authorized to accept that admission, adopt it as the final determination, and collaborate with the appropriate sanctioning authority to administer sanctions.

A Respondent who accepts responsibility waives their right to appeal. If the Respondent rejects the final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion. The Complainant retains their right to appeal a determination when a Respondent admits responsibility.

C. FORMAL RESOLUTION

The College's formal Resolution Process includes two distinct investigation and decision-making procedures, as outlined in more detail below. The following applies to all formal resolutions:

Notice of Investigations and Allegations

Prior to an investigation, the Chief Title IX Coordinator will provide the Parties with a detailed written Notice of Investigation and Allegations (also referred to as "NOIA"). Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

The NOIA typically includes:

- A meaningful summary of all allegations
- The identity of the involved Parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies/offenses implicated
- A description of, link to, or copy of the applicable procedures
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence
- The name(s) of the Investigator(s), along with a process to notify the Chief Title IX Coordinator of any conflict of interest the Investigator(s) may have in advance of the interview process
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be given an opportunity during the review and comment period to inspect and review all relevant evidence
- A statement that retaliation is prohibited
- Information about the confidentiality of the process, including that the Parties and their Advisors (if applicable) may not share the College work product obtained through the Resolution Process
- A statement, where applicable, that the Parties may have an advisor of their choice who may accompany them through all steps of the Resolution Process
- A statement informing the Parties that the Policy and these Procedures prohibit knowingly making false statements, including knowingly submitting false information during the Resolution Process
- Detail on how a party may request disability accommodations or other support assistance during the Investigation and Resolution Process
- An instruction to preserve any evidence that is directly related to the allegations

The NOIA will be written and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official College records, or emailed to the Parties' College-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered. The College's official method of communication is considered to be email and it will be used as the primary form of communication when possible.

Timeline

The College strives to complete the investigation process within ninety (90) business days from the date of the Notice of Investigation.

The timeline for any part of the Resolution Process may be extended for good cause by the Chief Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the new anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

The College shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The Chief Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

Standard of Proof

The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard. This requires the allegation(s) are more likely than not to have occurred.

Burden of Evidence

The College has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the College and does not indicate responsibility for a Policy violation.

Written Notice of Meetings

The College will provide to a party or witness whose participation is invited, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

Evidence Gathering

The Investigator will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an Investigator, the Investigator will ask questions related to the allegations in the complaint and a party is given the opportunity to speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The Investigator ultimately determines whom to interview to determine the facts relevant to the complaint.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

1. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. Evidence provided to an employee designated by the College as Confidential under the Policy Against Sex Discrimination, unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure;
3. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party's or witness's voluntary, written consent for use in its investigation and resolution procedures; and

4. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the Complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.

INVESTIGATION AND DECISION MAKING PROCEDURES

The College's Formal Resolution Process includes the following two investigation and decision making procedures:

1. Procedures covering all Prohibited Conduct matters **except for** sex-based harassment involving a student as a party; and
2. Procedures covering sex-based harassment involving a student as a party.

Only one of the above procedures will apply to a complaint, and will be determined based on the nature of the complaint and the parties involved.

Investigation & Decision Making Procedures For All Prohibited Conduct EXCEPT Sex-Based Harassment Involving A Student Party

Depending upon the nature of the alleged or suspected Policy violation and any requests by the Complainant for confidentiality or an election not to proceed with a formal complaint, the College will initiate and coordinate an investigation of a reported violation of the Policy as soon as practical. The College is committed to undertaking prompt, thorough, impartial and fair investigations and to treating all individuals with respect and with sensitivity.

The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amenable to pursuing an Informal Resolution. To help ensure a prompt and thorough investigation, Complainants are asked to provide as much information as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the Complainant's opportunity to participate in or benefit from the College's programs or activities.
- The names of other individuals who might have relevant information about the alleged actions and/or have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the Complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the Complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The Respondent is also expected to provide as much information as possible in connection with the investigation.

Student Complainants are entitled to bring an advisor of their choice to any meeting or interview in connection with these Procedures, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. The role of the Advisor is limited to consulting privately with the party they accompany.

If the matter is not resolved informally and there is no acceptance of responsibility by the Respondent, a determination of whether the Policy was violated will be made based on information gathered in the investigation, including but not limited to interviews with the Complainant, the Respondent, and any other relevant individuals. This determination will be made by the Office of Human Resources in collaboration with the Chief Title IX Coordinator when allegations involve a non-faculty employee. Allegations that a faculty member violated the Policy will be determined by the Provost, or their designee in collaboration with the Chief Title IX Coordinator. Allegations that a student engaged in sex discrimination (but not conduct that would constitute sex-based harassment) will be determined by the Dean of Students in collaboration with the

Chief Title IX Coordinator. In all matters, the decision of the Office of Human Resources, the Provost, Dean of students, Chief Title IX Coordinator or their designees, will be final and is not subject to appeal. If, however, the Provost recommends separation of a faculty member from the College, the separation will be handled in accordance with any existing and applicable faculty handbook provisions relating to separation from the College. In some cases, the College may not be able to determine that a Policy violation occurred; in such a situation, the College may still require action to be taken to promote a healthy and respectful environment.

Sanctions & Corrective Action

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). The sanctions and corrective actions that may be imposed for any violation of this Policy includes:

- Verbal warning for employees
- Written warning for employees
- Probation for students
- Suspension for students
- Mandatory discrimination or harassment training or education
- Mandatory Counseling
- Technology/Equipment/Resource access restrictions
- College campus access restrictions
- Change in assigned duties and/or committee assignments
- Leave of absence for employees
- Termination of employment with the College

Corrective actions taken by the College might also include, but are not limited to: providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations. Additional corrective actions for a Complainant may include, but are not limited to, support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support.

In instances where the College is unable to take disciplinary or other corrective action in response to a reported violation, the College will consider other steps available to limit the effects of the conduct at issue and prevent its recurrence, such as the continuation of supportive measures, training and education.

A Complainant will be informed of the outcome of the investigation, but may not be informed specifically of all sanctions or other remedial action.

Investigation & Decision Making Procedures In Cases Of Sex-Based Harassment Involving A Student

Depending upon the nature of the alleged or suspected Policy violation and any requests by the Complainant for confidentiality or an election not to proceed with a formal complaint, the Chief Title IX Coordinator will initiate and coordinate an investigation of a reported violation of the Policy as soon as practical, appointing one or more campus officials who have been trained to conduct investigations.

The nature and extent of the investigation will vary depending upon the circumstances, including whether the parties are amenable to pursuing an Informal Resolution. Both parties will have equal procedural rights during the investigation and resolution of a complaint.

To help ensure a prompt and thorough investigation, Complainants are asked to provide as much information as possible, including the following:

- The name, department, and position of the person or persons allegedly causing the prohibited discrimination, harassment, or retaliation.
- A description of any relevant incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the Complainant's opportunity to participate in or benefit from the College's programs or activities.

- The names of other individuals who might have relevant information about the alleged actions and/or have been subject to the same or similar acts of discrimination, harassment, or retaliation.
- Although it is not required, any steps the Complainant has taken to try to stop the discrimination, harassment, or retaliation.
- Any other information the Complainant believes to be relevant to the alleged discrimination, harassment, or retaliation.

The Respondent is also expected to provide as much information as possible in connection with the investigation.

Both parties are entitled to bring an Advisor of their choice to any meeting or interview in connection with these Procedures, provided that the involvement of the advisor does not result in undue delay of the meeting or proceeding. The role of the Advisor is limited to consulting privately with the party he/she accompanies.

Upon conclusion of the investigation, the investigator(s) will produce a written report that summarizes the relevant facts and any supporting documentation (which may include statements by the parties, third-party witnesses, or others with information and any physical, written, or electronic or other evidence) and shall provide such report to the Chief Title IX Coordinator. This investigation report will be shared with the parties. Each party will have an opportunity to respond to the investigation report either in writing or before the Hearing Panel. Written responses must be received by the College within 10 business days after either party has received the investigation report. The investigation report is treated as a confidential document, and is intended to be shared only with individuals who have a "need to know" its contents. All individuals are expected to honor the confidential nature of the report. Disciplinary action may be taken in the event the confidential nature of the report is disregarded by a party or individual in the proceeding.

Notice of Hearing

The Chief Title IX Coordinator or their designee will provide any written statements from the Complainant and Respondent along with the Investigation Report to the Chair of the Hearing Panel. Both parties will be informed in writing of the date, time, and location of the hearing and will be informed of the names of persons serving on the Hearing Panel. The parties will be given at least 5 business days advance notice of the hearing unless the Chief Title IX Coordinator determines that less time is appropriate or required in a given situation. If the Complainant elects not to participate in a hearing, the College reserves the right to take the matter to a hearing.

Either party may request that the hearing be rescheduled at any time and must specify the reasons for the request. The Chief Title IX Coordinator or their designee for the case will determine whether to grant the request, and will base the decision on factors such as the time of the request and the impact the requested change will have on all other parties and witnesses, as well as the Hearing Panel.

Either party may ask that a member of the Hearing Panel, the sanctioning official (the Dean of Students), or the appeal official be removed if the party believes that person has a conflict of interest or cannot be fair and impartial. These requests must describe the reason for the challenge and must be received in writing by the Chief Title IX Coordinator or their designee within 3 business days of notification of the Hearing Panel members. The Chief Title IX Coordinator shall determine whether the challenge is valid and to make changes to the Hearing Panel, the sanctioning official, or the appeal official.

Composition of the Hearing Panel

Hearings to address complaints alleging violations of the Policy by students will be conducted by a Hearing Panel, except that the Dean of Students or their designee may conduct a hearing in extraordinary circumstances if the Hearing Panel cannot reasonably be convened or if the College determines that an alternative process is appropriate under the circumstances. The Hearing Panel shall consist of three persons

that are drawn from the College's Committee on Harassment and Discrimination, which consists of faculty members and staff members from the College community who have received proper training. One of these three persons will be designated as the Chair of the Hearing Panel.

Pre-Hearing Meeting

The Chief Title IX Coordinator or their designee will offer to meet individually with the parties to answer any questions and explain the process as soon as possible after issuing the notice of hearing.

Each party may choose to have an Advisor of their choice accompany them to the hearing and any related meeting or proceeding. An Advisor may speak privately to their advisee, but an Advisor may not present evidence, question witnesses, or otherwise participate directly in the hearing or related meeting. This Advisor does not represent a party at the hearing and does not have an active voice during the proceedings, but can provide advice during the hearing or during adjournments and breaks to their advisee only.

Witness, Impact, & Character Statements

Each party may submit a list of proposed witnesses to the Chief Title IX Coordinator or their designee within seven (7) business days after the College has delivered the investigative report. Character witnesses are not allowed. If a party requests that a witness be heard at the hearing and that individual was not interviewed in the course of the investigation, the party must provide in writing a rationale for including that witness. The Chief Title IX Coordinator or their designee will determine whether that witness may be called, or will ask that the investigator interview the witness as well. If a witness cannot or feels that s/he should not appear during the hearing s/he must submit a short written explanation to the Title IX Coordinator at least 3 business days prior to the hearing. The final approved witness list will be shared with the parties at least 2 business days prior to the Hearing.

Both parties may prepare and present impact statements and letters attesting as to character in sealed envelopes to the Chair of the Hearing Panel at the outset of the hearing. These statements will be used solely by the Dean of Students for the purposes of determining any appropriate sanctions after the Hearing Panel concludes its deliberations.

Hearing Procedure

Hearings will be closed to anyone who is not directly involved in the case as a party, Advisor of the party's choice, Investigator, Chief Title IX Coordinator or designee, Hearing Panel member, any witness invited by the Hearing Panel. The College recognizes that both parties have the right to engage legal representation at their own expense. Unless present as a party's Advisor of choice, attorneys are not permitted to be present during a Hearing Panel proceeding. The College may at its discretion designate its own attorney to be present or otherwise available during proceedings before the Hearing Panel and provide legal counsel to the Chair and the Hearing Panel members. The Chair of the Hearing Panel will determine which witnesses to invite to the hearing in advance of the hearing. Witnesses will be present only during their period of testimony and questioning.

The Complainant or the Respondent may request to participate in the hearing through a method that limits or does not require physical presence in the hearing room, and any such request will be submitted to the Chief Title IX Coordinator or their designee for approval. For instance, a party could participate using technology or they may request the use of partitions in the hearing room. Witnesses may also participate using technology. Such requests must be approved in advance by the Chief Title IX Coordinator or their designee. The Complainant and Respondent will have equal access to information before and during the hearing. The College will arrange for audio-recording the entire Hearing; this recording will be the property of the College and is not distributed to the parties. The Hearing Panel's deliberations will not be recorded.

1. The hearing will begin with the Chair calling the hearing to order and explaining the process.
2. The Chair reminds the parties that the proceedings are confidential and asks each person present to state their name and role for the record.
3. The Chair confirms that both parties have had an opportunity to review the investigation report.
4. The Hearing Panel then questions the Complainant. The Respondent is not permitted to address the Complainant directly, but may present written questions for the Complainant to the Chair, who will determine whether the questions are relevant and appropriate and, if so, read them aloud for the Complainant to respond. The Chair will have the discretion to deny questions that are inflammatory or otherwise inappropriate. The Complainant will have the opportunity to share with the Hearing Panel any questions or comments related to the investigation report. The Hearing Panel will then call and ask questions of each witness for Complainant. Both parties will have the opportunity to ask relevant questions of any witnesses.
5. The Hearing Panel will question the Respondent and witnesses for the Respondent following the same process outlined in (4) above.
6. At the conclusion of the hearing, the Hearing Panel will meet in closed session to make a decision on the matter by majority vote. College counsel may remain in the room but will neither vote nor participate in the deliberations.
7. The Hearing Panel's decision will rest on whether or not the Respondent was found in violation of the Policy, based solely on the evidence presented at the hearing. The Hearing Panel will use a preponderance-of-the-evidence standard (i.e., whether it is more likely than not that the Respondent violated the Policy).
8. The Panel will notify the Chief Title IX Coordinator of its decision.
9. To the greatest extent possible, the Complainant and Respondent will be notified simultaneously of the outcome of the hearing within 24 hours of the conclusion of the Panel's deliberations.
10. Both during and after a hearing, neither the Respondent or the Complainant (or their advisors or representatives) may contact a member of the Hearing Panel about the hearing or the decision of the Hearing Panel. Any questions or concerns must be directed to the Chief Title IX Coordinator or designee and/or expressed in an appeal, as outlined below.

Sanctions & Corrective Action

Upon reviewing the Hearing Panel's decision and any impact or character statements submitted by the Respondent and/or the Complainant, and/or, upon receiving an election to accept responsibility, the Dean of Students will determine what, if any, sanctions will be imposed and communicate that decision to the Chief Title IX Coordinator who will notify each party simultaneously in writing of any sanctions and when they go into effect, along with a description of the appeal rights of the parties. The College may designate an alternative individual for sanctioning should it determine that an alternative is required. The Complainant and the Respondent will be notified simultaneously in writing of the results of the hearing procedure, including sanctions and information about appeal rights, within 7 business days of a decision.

The College will take reasonable steps to prevent the recurrence of any violations of the Policy and to correct the discriminatory effects on the Complainant (and others, if appropriate). The sanctions that may be imposed for any violation of this Policy are:

- Mandatory discrimination or harassment training or education
- Mandatory counseling
- Disciplinary hold on academic and/or financial records
- College campus access restrictions
- Housing restrictions on campus, class enrollment restrictions, campus restrictions
- Ineligibility to participate in co-curricular activities
- No Contact Directives
- Probation
- Suspension
- Dismissal from the College

The sanctions assigned to a student found responsible will depend on the full context in which the offense takes place. For instance, repeat offenders can expect to be assigned more severe sanctions than if they did not have prior offenses. Offenders who commit multiple offenses in a single episode can expect to be assigned more severe sanctions than they would have been assigned had they committed fewer offenses. The presence of aggravating factors such as the use of force, the use of a weapon, the involvement of multiple perpetrators, intimidation or intentional incapacitation will also lead to more severe sanctions.

Corrective actions taken by the College might also include, but are not limited to: providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations. Additional corrective actions for a Complainant may include, but are not limited to, support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support.

In no event will either party in matters involving an alleged violation of the Policy that involves sex discrimination, sexual harassment, or other sexual misconduct be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome or of the alleged violation. In instances where the College is unable to take disciplinary or other corrective action in response to a reported violation, the College will consider other steps available to limit the effects of the conduct at issue and prevent its recurrence, such as training and education.

APPEAL PROCESS

Each party has the right to submit a written appeal to a Title IX Coordinator within seven (7) business days (a) of being notified of the Hearing Panel's decision or (b) of the Dean of Student's decision regarding sanctions, whichever comes later. Appeals may be filed only on grounds of (1) relevant, substantive and new information not reasonably available at the time of the hearing that could affect the outcome of the matter, (2) alleged bias for or against complainants or respondents generally or conflict of interest of the Title IX Coordinator, investigator(s), or decision-maker(s) that would change the outcome, or (3) material procedural error or irregularity that would change the outcome or (4) the sanction is disproportionate with the violation.

The appeal must specifically state the grounds upon which it is made.

The Chief Title IX Coordinator will inform the parties whether the grounds for appeal have been met within 3 business days. The party that did not initiate the appeal will have 7 business days to submit a written response, at their choosing. Within 30 business days of the deadline for receiving this written response (a) the appeal will be reviewed by an Appeal Officer (b) the Appeal Officer will notify the parties in writing of the outcome of the appeal. Parties will be notified of the appeal decision in writing within 7 business days after the conclusion of the review. Appeal decisions by the Appeal Officer are final.

The appeal is not a de novo review, meaning the Appeal Officer will consider only the materials submitted by the parties and the record of the original hearing. If new and substantive evidence has arisen, the appeal can result in a remand of the case to the original hearing panel for reconsideration and a new determination.

FAILURE TO COMPLY/PROCESS INTERFERENCE

All Parties are expected to comply with supportive measures, corrective actions, and sanctions. This includes, but is not limited to:

- Directives of no contact
- Failure to comply with interim/emergency removal
- Failure to adhere to terms of Informal Resolution
- Interference with the Investigation and Resolution process such as:
 - Destroying/concealing evidence
 - Providing false testimony or evidence
 - Intimidating witness or party

Failure to comply with a directive and/or interference with the process may result in additional sanctions. Students who fail to comply will be referred to the Dean of Students Office in accordance with the College's Code of Conduct.

RECORDS MAINTENANCE

For a period of 7 years, the College will maintain documentation and records regarding alleged violations of the Policy and their resolution in a manner that protects the confidentiality of the parties involved, complies with the Family Educational Rights and Privacy Act, and to the extent possible excludes personally identifiable information of victims of domestic violence, dating violence, and stalking.

The hearing audio-recording and evidence presented at the hearing will be maintained by the Chief Title IX Coordinator and will be property of the College. If a student has been found responsible for violating the Policy, this finding remains a part of that student's conduct record. The finding is not referenced on a student's transcript.

PROHIBITION AGAINST UNAUTHORIZED DISCLOSURE OF INFORMATION

Parties and Advisors are prohibited from disclosing information obtained by the College through the Resolution Process, to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by Augustana College for purposes of investigation and resolution of a Complaint), without authorization. It is also a violation of College Policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this Policy is subject to significant sanctions.

PROHIBITION AGAINST RETALIATION

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of behavior or conduct prohibited under this Policy. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy or by law, including Title IX or its regulations.

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this Policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Adverse action does not include perceived or petty slights, or trivial annoyances.

It is not retaliation for the College to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

EDUCATIONAL PROGRAMMING

The College will provide the following education programming designed to promote the awareness of sexual assault, domestic violence, dating violence and stalking.

Employees with Responsibility for Receiving Reports of Violations of this Policy; Providing or Referring Services to Victims; and/or Adjudicating Alleged Violations of this Policy

- Training on at least an annual basis on the issues related to sexual assault, sexual violence, dating violence and stalking; and
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Primary Prevention and Awareness Programs

The College will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- a statement that the College prohibits the offenses of discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, and a description of the College's policies that prohibit this conduct;
- the definition of consent and inability to consent, in reference to sexual activity, as defined in this Policy and under Illinois law;
- the definition of discrimination, harassment, including sexual assault, domestic violence, dating violence, and stalking (or similar offenses) in this Policy and under Illinois law;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of discrimination, harassment, sexual assault, domestic violence, dating violence and stalking against a person other than such individual;
- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- the procedures that a Complainant/victim should follow if discrimination, harassment, sexual assault, domestic violence, dating violence and stalking has occurred, as described in this Policy, including options for a Complainant/victim to report such incidents to a Confidential Employee or other confidential resource;
- the possible sanctions and protective measures that the College may impose following a final determination of a violation of College policy regarding discrimination, harassment, sexual assault, domestic violence, dating violence and stalking;
- the procedures for College disciplinary action in cases of alleged discrimination, harassment, sexual assault, domestic violence, dating violence and stalking, as described in this Policy, including the standard of proof that is used;
- information about how the College will protect the confidentiality of Reporting Parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the Reporting Party, to the extent permissible by law;
- information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee accusers and victims both on-campus and in the community; and
- information about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by a Complainant and if such accommodations are reasonably

available, regardless of whether the Complainant chooses to report the crime to campus security or local law enforcement.

Ongoing Prevention and Awareness Campaigns

The College will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

PROCEDURE REVIEW & REVISION

These Investigation and Resolution Procedures will be reviewed and updated regularly by the Chief Title IX Coordinator. The Chief Title IX Coordinator will submit modifications to these Procedures in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require procedural alterations not reflected in this document. Procedures in effect at the time of its implementation will apply. The Policy definitions in effect at the time of the conduct will apply even if the Policy is changed subsequently.

Investigation and Resolution Procedures may be revised at any time without notice. All revisions supersede prior procedures and are effective immediately upon posting to the Augustana College website.

Procedures updated: August 1, 2024

APPENDIX A: STATEMENT OF THE PARTIES' RIGHTS

Under this Policy and procedures, the Parties have the right to:

- An equitable investigation and resolution of all credible allegations of prohibited sex discrimination when reported in good faith to College officials.
- Timely written notice of all alleged violations, including the identity of the Parties involved (if known), the specific misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated Policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants) by updating the Notice of Investigation and Allegation(s) (NOIA) as needed to clarify potentially implicated Policy violations.
- Have all personally identifiable information protected from the College's release to the public without consent, except to the extent permitted by law.
- Be treated with respect by College officials.
- Voluntarily agree to resolve allegations under this Policy through Informal Resolution without College pressure, if Informal Resolution is approved by the Chief Title IX Coordinator.

- Not be discouraged from reporting sProhibited Conduct to both on-campus and off-campus authorities.
- Be informed of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by the College in notifying such authorities, if the party chooses.
- Have allegations of violations of this Policy responded to promptly and with sensitivity by the College.
- Be informed of available supportive measures, such as counseling, advocacy, health care, student financial aid, visa and immigration assistance, and/or other services, both on-campus and in the community.
- A College-implemented no-contact directive or a no-trespass directive against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, living, and/or employment situations after an alleged incident of sex discrimination. No formal report, or investigation, either institutional or criminal, needs to occur for this option to be available.
- Have the College maintain supportive measures for as long as necessary, ensuring they remain confidential, provided confidentiality does not impair the College's ability to provide the supportive measures.
- Receive sufficiently advanced written notice of any Investigation and Resolution Process meetings or interviews.
- Identify and have the Investigators and/or Hearing Panel question relevant available witnesses, including expert witnesses.
- Provide the Investigator(s)/Hearing Panel with a list of questions that, if deemed relevant and permissible, may be asked of any party or witness.
- Have Complainant's inadmissible sexual interests/prior sexual history or any Party's irrelevant character evidence excluded by the Decision-maker.
- Access the relevant evidence obtained and respond to that evidence.
- A fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of all relevant and permissible evidence obtained during the investigation, subject to privacy limitations imposed by federal and state law, and be given 10 business days to review and comment on the evidence.
- The right to receive a copy of the Final Investigation Report and to have 7 business days prior to the hearing for review.
- Be informed of the names of all witnesses whose information will be participating in the investigation and or hearing.
- Regular status updates on the investigation and/or resolution Process.
- Have reports of alleged Policy violations addressed by College officials who have received relevant annual training as required by law.
- Preservation of confidentiality/privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any College representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- Be able to select an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the Resolution Process.
- Apply the appropriate standard of proof, preponderance of the evidence, to make a Finding and Final Determination after an objective evaluation of all relevant and permissible evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any live hearing.
- Have an impact and/or mitigation statement considered by the Decision-maker following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed of the Resolution Process finding(s) and sanction(s) (if any) and be given a detailed rationale of the decision (including an explanation of how credibility was assessed) in a written outcome letter delivered to the Parties simultaneously (without undue delay).

- Be informed of the opportunity to appeal the Resolution Process finding(s) and sanction(s), and the procedures for doing so in accordance with the College's grounds for appeal.
- A fundamentally fair resolution as defined in these procedures.

APPENDIX B: ADVISORS OF CHOICE IN THE INVESTIGATION AND RESOLUTION PROCESS

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are provided the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the College shares with them. Advisors may not disclose any College work product or evidence the College obtained solely through the Investigation and Resolution Process for any purpose not explicitly authorized by the College.

Advisors will be asked to sign an Advisor Agreement. The College may decline to share any information, evidence and/or materials with any Advisor who has not completed the Agreement. The College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend Investigation and Resolution Procedures meetings/interviews/hearings when planned. The College may reschedule meetings/interviews to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role, who shares information or evidence in a manner inconsistent with the Policy and these Procedures, or who refuses to comply with the College's established rules of decorum will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor. Subsequently, the Chief Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

APPENDIX C: AGREEMENT-BASED INFORMAL RESOLUTION

Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Chief Title IX Coordinator will provide the Parties written notice that includes:

1. The specific allegation and the specific conduct that is alleged to have occurred;
2. The requirements of the Agreement-Based Resolution process;
3. Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether the College could disclose such information for use in a future Resolution Process, including an investigation and Resolution Process arising from the same or different allegations, as may be appropriate;
4. Notice that an agreement resulting from the Agreement-Based Resolution process (an Agreement) is binding only on the parties and is not subject to appeal;
5. Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations;
6. A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred;
7. A statement that the Respondent is presumed not responsible for violating this Policy, unless Respondent admits to violations of this Policy;
8. An explanation that all parties may be accompanied by an Advisor of their choice, who may be a parent, colleague, friend, or attorney;
9. A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume investigation and resolution procedures at any time before agreeing to a resolution;
10. Information regarding Supportive Measures, which are available equally to the parties; and
11. The potential terms that may be requested or offered in an Agreement-Based Resolution Agreement.

Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Chief Title IX Coordinator will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an Agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Chief Title IX Coordinator does not believe that the terms of the Agreement or continuing the Agreement-Based Resolution process is appropriate, the Chief Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and Resolution Process. The Chief Title IX Coordinator will inform the parties of such a decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against Complainants or Respondents generally or regarding the specific parties in the matter. The Chief Title IX Coordinator may serve as the facilitator, subject to these restrictions. Investigators or Decision Makers for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

1. One of the parties will change classes or housing assignments;
2. The Parties will not communicate or otherwise engage with one another;
3. Completion of a training or educational project by the Respondent;
4. Engage in a restorative justice process or facilitated dialogue; and/or

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related Resolution Process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may generally discuss the allegations under investigation with a parent, Advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Chief Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once an Agreement is signed, no appeal is permitted. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) days and may be extended by the Chief Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate. Any violations of the terms of the Resolution Agreement may result in disciplinary action.

PREGNANCY AND RELATED CONDITIONS POLICY

Non-Discrimination Statement

Augustana College does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). The College prohibits members of the College community from adopting or implementing any policy, practice, or procedure which treats an applicant for admission, student, applicant for employment, or employee differently on the basis of current, potential, or past parental, family, or marital status. This policy and its pregnancy-related protections apply to all pregnant persons, regardless of gender identity or expression.

Definitions

Familial Status: The configuration of one's family or one's role in a family.

Marital Status: The state of being married or unmarried.

Parental Status: The status of a person who, with respect to another person who is under the age of 18, is a biological, adoptive, foster, or stepparent; a legal custodian or guardian; in loco parentis with respect to such a person; or actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy and Related Conditions: The full spectrum of processes and events connected with pregnancy, including pregnancy, childbirth, termination of pregnancy, or lactation; related medical conditions; and recovery therefrom.

Reasonable Modifications: Individualized modifications to the College's policies, practices, or procedures that does not fundamentally alter the College's education program or activity.

Information Sharing Requirements

Any College employee who becomes aware of a student's pregnancy or related condition is required to provide the student with the Chief Title IX Coordinator's contact information and communicate that the Chief Title IX Coordinator can help take specific actions to prevent discrimination and ensure equal access to the College's education program and activities.

Upon notification of a student's pregnancy or related condition, the Chief Title IX Coordinator or designee will contact the student and inform the student of the College's obligations to:

- Prohibit sex discrimination.
- Provide reasonable modifications.
- Allow access, on a voluntary basis, to any separate and comparable portion of the institution's education program or activity.
- Allow a voluntary leave of absence.
- Ensure lactation space availability.
- Treat pregnancy as comparable to other temporary medical conditions for medical benefit, service, plan, or policy purposes.

The Chief Title IX Coordinator or designee will also notify the student of the process to file a complaint for alleged discrimination, harassment, or retaliation, as applicable.

Reasonable Modifications for Students

Students who are pregnant or are experiencing pregnancy-related conditions are entitled to Reasonable Modifications to ensure equal access to the College's education program and activity. Any student seeking Reasonable Modifications must contact the Chief Title IX Coordinator to discuss appropriate and available Reasonable Modifications based on their individual needs. Students are encouraged to request Reasonable Modifications as promptly as possible. Reasonable Modifications are voluntary, and a student can accept or decline the offered Reasonable Modifications. Not all Reasonable Modifications are appropriate for all contexts.

Reasonable Modifications may include:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom
- Intermittent absences to attend medical appointments
- Changes in schedule or course sequence
- Time extensions for coursework and rescheduling of tests and examinations
- Allowing a student to sit or stand, or carry or keep water nearby
- Counseling
- Changes in physical space or supplies (for example, access to a larger desk or a footrest)
- Elevator access
- A larger uniform or other required clothing or equipment
- Other changes to policies, practices, or procedures determined by the Title IX Coordinator or designee

In situations such as clinical rotations, performances, labs, and group work, the College will work with the student to devise an alternative path to completion, if possible. In progressive curricular and/or cohort-model programs, medically necessary leaves are sufficient cause to permit the student to shift course order, substitute similar courses, or join a subsequent cohort when returning from leave. Students are encouraged to work with their faculty members and the College's support systems to devise a plan for how to best address the conditions as pregnancy progresses, anticipate the need for leaves, minimize the academic impact of their absence, and get back on track as efficiently and comfortably as possible. The Chief Title IX Coordinator or designee will coordinate plan development and implementation as needed.

Supporting documentation for Reasonable Modifications will only be required when it is necessary and reasonable under the circumstances to determine which Reasonable Modifications to offer to determine other specific actions to take to ensure equal access.

Information about pregnant students' requests for modifications will be shared with faculty and staff only to the extent necessary to provide the Reasonable Modification. The Chief Title IX Coordinator or designee will inform the student if information needs to be shared.

Students experiencing pregnancy-related conditions that manifest as a temporary disability under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act are eligible for reasonable accommodations just like any other student with a temporary disability. The Title IX Coordinator or designee will consult with the Office of Disability Services to ensure the student receives reasonable accommodations for their disability.

Certification to Participate

All students should be informed of health and safety risks related to participation in academic and co-curricular activities, regardless of pregnancy status. A student may not be required to provide health care provider or other certification that the student is physically able to participate in the program or activity, unless:

- 1) The certified level of physical ability or health is necessary for participation;
- 2) The institution requires such certification of all students participating; and
- 3) The information obtained is not used as a basis for pregnancy-related discrimination.

Lactation Space Access

The Recipient provides students and employees with access to lactation spaces that are functional, appropriate, and safe. Such spaces are regularly cleaned, shielded from view, and free from the intrusion of others.

Current lactation spaces on campus are listed here. In the event these spaces are insufficient for any reason, students and employees should contact the Chief Title IX Coordinator for resolution.

Leaves of Absence Students

Students are permitted to take a voluntary leave of absence for a reasonable time as deemed medically necessary by their health care provider because of pregnancy and/or the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or medical necessity. Students who choose to take a leave of absence under this policy can elect to keep any student health insurance coverage they have obtained through the College and continue residing in College housing, subject to the payment of applicable fees.

To the extent possible, the College will take reasonable steps to ensure that students who take a leave of absence or medical leave return to the same position of academic progress that they were in when they took leave, including access to the same or an equivalent course catalog that was in place when the leave began.

Continuation of students' scholarship, fellowship, or similar College-sponsored funding during the leave term will depend on the students' registration status and the policies of the funding program regarding registration status. Students will not be negatively impacted by or forfeit their future eligibility for their scholarship, fellowship, or similar College-supported funding by exercising their rights under this policy.

The Financial Aid Office can and will work with for students with respect to financial aid agencies and external scholarship providers in the event that a leave of absence places eligibility for such financial aid into question.

In order to initiate a leave of absence, the student must contact the Associate Dean of Students at least 30 calendar days prior to the initiation of leave, or as soon as practicable. The Associate Dean of Students will assist the student in completing any necessary paperwork.

Employees

Information on employment leave can be found here <https://www.augustana.edu/about-us/offices/hr/handbook/section3-benefits>.

If an employee, including a student-employee, is not eligible for leave under the aforementioned leave policies because they either (1) do not have enough leave time available under that the policies, or (2) have not been employed long enough or otherwise do not qualify for leave under the policies, they are eligible for pregnancy or related condition leave under Title IX. Pregnancy and related conditions will be regarded as a justification for a leave of absence without pay for a reasonable period of time.

Employees who take leave under Title IX must be reinstated to the status held when leave began or a comparable position without a negative effect on any employment privilege or right.

Student Parents

Students with child caretaking/parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of a child or placement of a foster child may request an academic modification period during the first three (3) months from the time the child entered the home. Extensions may be granted when additional time is required by medical necessity or extraordinary caretaking/parenting responsibilities. The Chief Title IX Coordinator or designee will help facilitate needed accommodations and Reasonable Modifications. Students will remain registered and retain benefits accordingly.

Recipient Housing

A pregnant student's College housing status will not be altered based on pregnancy status unless requested by the student. Parenting students' access to housing is governed by <https://www.augustana.edu/student-life/residential-life/handbook/assignment>.

Policy Review & Revision

This Policy will be reviewed and updated regularly by the Chief Title IX Coordinator. The Chief Title IX Coordinator will submit modifications to this Policy in a manner consistent with institutional policy upon determining that changes to law, regulation or best practices require policy or procedural alterations not reflected in this Policy.

This Policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to the Augustana College website.

Policy updated: August 14, 2024

Attachment B: Survivor Rights & Options

First and foremost, focus on your well-being. Augustana staff want to support you during this time, and the following information is intended to help you understand rights and options available to you. Know that what happened is not your fault. You are not responsible for the actions of others. No one has the right to hurt you or touch you against your will or without consent. No one deserves to be stalked.

Confidential Resources

Contacting the local 24-hour rape crisis hotline at 309-797-1777. Family Resources Survivor Services provides specialized support to Augustana students who are victims of sexual assault and domestic or dating violence, and stalking. The call will put you in touch with a Sexual Assault Advocate who can provide free, **confidential** personal support. This support can be provided on an emergency and on-going basis as a confidential advisor to you, upon your request.

Meeting with one of Augustana College's counselors. All members of our counseling staff, as well as the College's chaplain, are **confidential resources** for you on campus. This means that you may talk with them confidentially at any time and they will not share your conversation with others on campus. The counselors can also help you understand the options available to you. To schedule an appointment, please call 309-794-7357. The College's chaplain may be contacted at 309-794-7478.

Confidential advisors from Family Resources Survivor Services are also available to you and can provide emergency and ongoing support to you confidentially. Open office hours are held each week for students who would like to meet with a confidential advisor. You can contact the on-campus Confidential Advisor, Mikayla, Monday – Friday 8:00 a.m. to 4:30 p.m. at 563-468-2175 or mikaylac@famres.org.

Going to the Hospital

In addition to making sure that you have not been injured, the hospital may suggest a “rape kit”, which is a process designed to collect evidence after a sexual assault has occurred. This is available to you free of charge under Illinois law and will not be billed to insurance.

Preserving Evidence

Evidence of sexual assault, dating violence, domestic violence, or stalking should be preserved as soon as possible, even if you are unsure about reporting to the College or filing criminal charges. These may include, but are not limited to, clothing worn during the incident, text messages, social media feeds, or photographs. There is a limited amount of time the video is kept from on campus cameras. Please let a Title IX Coordinator know as soon as possible if you believe video from a campus camera is relevant to your report.

Reporting to Law Enforcement

Making a report to Augustana Police/Public Safety at 309-794-7711. If you feel your safety is at risk, an Augustana Police/Public Safety officer will take steps to minimize the danger. This may be done in conjunction with notifying the Rock Island Police Department.

Reporting the incident to the Rock Island Police Department at 309-732-2677. An Augustana Police/Public Safety officer will assist you in notifying the Rock Island Police if you request this. A detective will speak with you about the incident and collect evidence. This could lead to the filing of criminal charges, but does not have to. The decision of notifying law enforcement authorities is yours.

Contacting the Title IX Team

The Chief Title IX Coordinator/Deputy Coordinators can answer questions, connect you with appropriate resources, and conduct an investigation.

Laura Schnack, Acting Chief Title IX Coordinator, 309-794-7533 or lauraschnack@augustana.edu

Chris Beyer, Director of Residential Life, 309-794-2686, or chrisbeyer@augustana.edu

Greg Domski, Associate Dean of Academic Strategic Priorities, 309-794-3482, or gregdomski@augustana.edu

Chad Gunnelson, Director of Track & Field/Cross Country, 608-658-6538, or chadgunnelson@augustana.edu

Mindy Zumdom, Director of Human Resources, 309-794-7452, or mindyzumdome@augustana.edu

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800-421-3481 or visiting www2.ed.gov/about/offices/list/ocr/docs/howto.html

The Chief/Deputy Title IX Coordinators will also be able to explain and assist with the following:

<p>Confidentiality</p> <p>With the exception of the confidential resources listed, all College employees who receive a report of sexual misconduct are obligated to inform the Title IX Coordinator or Augustana Police/Public Safety. Once a report is received, the College will determine whether a request for confidentiality is able to be granted. The College has an obligation to ensure the safety of all community members, which, in some circumstances, means a request for confidentiality or an incident not to be investigated cannot be granted. The Title IX Coordinator will work closely with the Complainant to ensure they are aware of their opportunity to participate in the investigation to the level they are comfortable with. If the College is able to grant a request for confidentiality, it is doing so with the understanding that an investigation and response may be limited in an effort to protect the identity of the Complainant.</p> <p>The College's requirement to include reported violations in its Annual Security Report and to submit an "incident report" to the campus community regarding the report; care will be taken to protect the identity of those involved.</p>	<p>Supportive Measures</p> <p>Obtaining accommodations to academic requirements such as class attendance, class schedules, as well as changes to residential, dining, working, and transportation situations. Other accommodations such as "no- contact orders" will also be discussed and considered.</p> <ul style="list-style-type: none">• These accommodations are available for you to request regardless of your decision to pursue disciplinary action, whether on or off campus.• The College will maintain as confidential any accommodations or protective measures provided to the Complainant and Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures.• If you are eligible for academic accommodations through the Office of Disability Services, similar accommodations may be requested to allow full participation in the College's complaint procedures.
---	--

The College's Policy Against Sex Discrimination and accompanying procedures (available at www.augustana.edu/titleix) govern complaints of sex discrimination, sexual harassment, sexual violence (including sexual assault), domestic violence, dating violence, and stalking. These procedures:

- Will provide a prompt, fair, and impartial resolution of the complaint, under the evidentiary standard of preponderance of the evidence, i.e., more likely than not that the alleged conduct occurred.
- Are carried out by College officials who have received training on these issues and how to conduct an investigation and hearing process that promotes safety and accountability.
- Provide you and the Respondent the right to have an advisor of your choice accompany you to all aspects of the investigation and resolution process.
- Ensure that both you and the Respondent will be notified simultaneously in writing of the outcome of all stages of the process, including any appeals.

- Prohibit retaliation by the Respondent or anyone else against you for making a complaint or against anyone else for participating in the investigation

Selecting an Advisor to Assist You

An advisor is an option available to you under the College's policies, and can provide support to you throughout the entire process. Your advisor may be anyone of your choosing, however, they cannot have a conflict of interest based upon their involvement in the alleged incident. This person may accompany you to any related meeting regarding the allegations. Advisors may speak privately with you but may not be directly involved in any meeting or speak on your behalf.